

Najib to know tomorrow if he must file defence on RM2.6b suit

MalaysiaKini.com

Sept 30th, 2015

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Prime Minister Najib Abdul Razak will know tomorrow whether he has to file his defence statement with regard to a lawsuit filed by former Umno member Anina Saadudin on the RM2.6 billion issue.

Anina's lawyer Haniff Khatri (photo) said a temporary stay was granted by High Court judicial commissioner Mohd Zaki Abdul Wahab on his client's application for the freezing of Najib's assets.

"After hearing submissions from both parties, the court deferred the decision until 3pm tomorrow for him (Mohd Zaki) to go through the submissions and make a decision on the matter.

"In the interim, Najib and the second defendant do not have to file their defence until tomorrow's decision," he told reporters outside the High Court in Kuala Lumpur today.

"They are supposed to file it tomorrow morning, but since the decision is tomorrow afternoon, we agreed that, to be fair, to allow the decision to be given first," he added.

Najib's lawyer Mohd Hafarizam Harun said they had raised several points today in asking that all proceedings be postponed.

"We argued that there are special circumstances, such as that it would be a waste of time and costs if Najib would have filed the defence first," he said.

Anina is no longer an Umno member

Hafarizam (photo) also said that the suit should be struck out since Anina was no longer an Umno member effective August 28 after filing the suit.

"She is no longer an Umno member, why is she suing on behalf of Umno? The law is clear that once you are no longer an Umno member, you have no locus standi.

"And to bring action (on behalf) of Umno, (you must) be a public officer, or an office bearer.

"Her locus standi is being challenged. That's why we say the court ought to stay all proceedings until the issue of Anina's locus standi is determined by the court.

"If we file a defence now, we are contradicting our position [...] Show that you are a proper plaintiff in court, then will put in the defence," he said.

Anina's suit seeks that Najib return the balance of the RM2.6 billion. She is also seeking an

injunction against them or their agents in the disciplinary board, state liaison body, divisions and branches to be restrained from removing, suspending and taking disciplinary action on her, pending the disposal of this action.

Anina is also seeking a repayment amounting to US\$650 million - the amount reportedly deposited by Najib in a Singapore bank - and an account of all monies that he had received in the form of donations.

Najib had admitted that the RM2.6 billion donation after the Malaysian Anti-Corruption Commission (MACC) made its findings as such to the public.

If a judgment on admission is given, the matter need not be resolved through a proper trial, where witnesses are called to testify.

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